FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 746 OF 2004
IN
SECOND APPEAL NO.758 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Shri Thorat, Advocate for Appellant.
Shri Pungalia, Advocate for Respondents.

CORAM: A.S. OKA, J.
DATE : 2nd September, 2004.

P.C.:-

1. Rule. Learned Counsel for Respondents waives service. Learned Counsel appearing for appellant submitted that the Appellant is entitled to limited interim relief in terms of order dated 19th November, 1997 passed by this Court in Civil Revision Application no. 516 of 1996. Shri Pungalia appearing for the Respondent contended that the appellant has contravened the Judgment and Decree passed by the Appellate Court and

therefore he is not entitled to any equitable relief. Shri Pungalia also pointed out the averments made in Affidavit dated 27th August 2004 filed by he Appellant in which it is contended that all eight units have been purpotedly sold by the Appellants to the individuals named in paragraph no. 4 of the said Affidavit. He therefore submitted that even on the basis of the said affidavit, it is very clear that the Appellant is not having any subsisting right, title or interest in the said units in respect of which interim relief is sought.

2. I have considered the rival submissions. In so far as the first contention by Shri Pungalia, is concerned, it will be open for the Respondents to take out appropriate proceedings in case the Appellant has committed breach of final order passed by the Appellate Court. In so far as the second contention is concerned, it is apparent that even if interim relief is to be granted in favour of the Appellant it was in respect of the eight

units referred to in Paragraph no.4 of the Affidavit dated 27th August, 2004. It is now an admitted position that the Appellant has purported to transfer right, title and interest in respect of the said eight units in favour of the individuals who are named in paragraph no.4 of the Affidavit dated 24th August, 2004 filed by the Appellant.

3. In view of this position, no case is made out for grant of interim relief. Subject to observations made above, Civil Application is rejected

sd/-

JUDGE